

HOUSE No. 1521

By Mr. Jones of North Reading, petition of Bradley H. Jones, Jr., and others relative to identity fraud in the Commonwealth. The Judiciary.

The Commonwealth of Massachusetts

PETITION OF:

Bradley H. Jones, Jr.	Susan Williams Gifford
Richard R. Tisei	Robert S. Hargraves
Paul J. P. Loscocco	Robert L. Hedlund
Bruce E. Tarr	Bradford Hill
Mary S. Rogeness	Donald F. Humason, Jr.
George N. Peterson, Jr.	Michael R. Knapik
John A. Lepper	Jeffrey Davis Perry
Viriato Manuel deMacedo	Elizabeth A. Poirier
Lewis G. Evangelidis	Karyn E. Polito
F. Jay Barrows	Richard J. Ross
Scott P. Brown	Todd M. Smola
Paul K. Frost	Daniel K. Webster

In the Year Two Thousand and Seven.

AN ACT RELATIVE TO PREVENTING PRETEXTING IN THE COMMONWEALTH.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Section 37E of Chapter 266 of the General Laws, as appearing in
2 the 2004 Official Edition, is hereby amended by striking subsections
3 (d) and (e) and inserting in place thereof the following : —
4 (d) Whoever, with intent to defraud, uses any personal identifying
5 information of another to portray himself as that person, or other-
6 wise, for the purpose of gaining access to any personal identifying
7 information of that person, without the prior express permission of
8 that person shall be guilty of identity fraud and shall be punished by
9 a fine of not more than \$5,000 or imprisonment in a house of correc-
10 tion for not more than two and one-half years, or by both such fine
11 and imprisonment.
12 (e) Whoever, with intent to defraud, uses any personal identifying
13 information of another for the purpose of gaining access to any

14 record of the actions taken, communications made or received, or
15 other activities or transactions of that person, without the prior
16 express permission of that person shall be guilty of identity fraud
17 and shall be punished by a fine of not more than \$5,000 or imprison-
18 ment in a house of correction for not more than two and one-half
19 years, or by both such fine and imprisonment.

20 (f) A person found guilty of violating any provisions of this
21 section shall, in addition to any other punishment, be ordered to
22 make restitution for financial loss sustained by a victim as a result of
23 such violation. Financial loss may include any costs incurred by
24 such victim in correcting the credit history of such victim or any
25 costs incurred in connection with any civil or administrative pro-
26 ceeding to satisfy any debt or other obligation of such victim,
27 including lost wages and attorney's fees.

28 (g) A law enforcement officer may arrest without warrant any
29 person he has probable cause to believe has committed the offense
30 of identity fraud as defined in this section.